

## **REMARKS**

This is in response to the Office Action dated April 22, 2004. The Office Action rejects claims 1 and 5-12 under 35 U.S.C. §102(b) as being anticipated by US Patent Number 5,673,259 to Quick ("Quick"). Applicants have amended  
5 claim 1 and have canceled claims 11-12. Claims 1 and 5-10 remain under consideration.

In order for a claim to be anticipated by a reference under 35 U.S.C. §102, all elements of the claim must be taught or disclosed by that reference. For the following reasons, Quick does not anticipate all of the elements of the  
10 claims of the present application.

**Claim 1:** In regards to the rejection of claims 1, 11 and 12, the Office Action states that Quick discloses all elements of those claims. More specifically, in regards to claims 11 and 12, the Office Action states that Quick teaches "only  
15 cells capable of meeting the radio service requirement are measured in order to select one of them for use in the transmission" (claim 11), and that Quick also teaches "the mobile station uses the indication of the radio service requirement when making access to the radio network" (claim 12). Claim 1 has been amended to incorporate the limitations of claims 11 and 12, in amended form. Specifically, the last element of claim 1 now states, in part:

20 "wherein said radio service requirement comprises an indication of a desired amount of at least a first network resource, wherein the mobile station uses the indication of the radio service requirement when making access to the radio network to measure only cells capable of meeting the  
25 radio service requirement in order to select one of them for use in the transmission."

Applicants respectfully traverse the assertion that Quick teaches the limitations in this element of amended claim 1. The teaching of Quick, in particular in its Figure 3 and column 11 lines 5 to 45 as cited against  
30 previous claims 11 and 12 is different from the teaching of the above-recited element. According to the teaching of the Quick reference, a switching centre 110 uses an indication of a radio service requirement ("bandwidth demand") to decide whether to issue a command via a paging channel 304 for a mobile 202 to switch between a random access channel  
35 208 and a dedicated channel 214. This cited passage of Quick does not teach, for example, selection of which cell to use when establishing a

connection by a mobile nor to a mobile making measurements in order to select a cell.

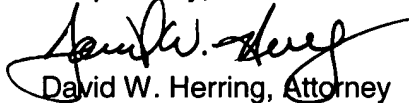
Accordingly, the present invention as claimed in amended claim 1 is patentably distinguished over Quick. Furthermore, the other cited reference, Basu, does not appear to disclose the above element of amended claim 1, namely that "the mobile station uses the indication of the radio service requirement when making access to the radio network to measure only cells capable of meeting the radio service requirement in order to select one of them for use in the transmission". Since Quick does not teach this element of claim 1, claim 1 is not anticipated by Quick. Thus, it is respectfully suggested that new claim 1 is allowable. It follows that claims 5-10 are allowable as being dependent upon an allowable base claim.

**Conclusion:**

In summary, applicants have canceled claims 11-12, have amended claim 1 to incorporate the limitations of claims 11 and 12, and have respectfully traversed the rejection of remaining claims 1 and 5-10. No new matter has been added as a result of the amendment to claim 1. Support for this amendment can be found in the specification, e.g., at page 3, line 29, to page 4, line 11.

For the foregoing reasons, neither the cited portions of Quick nor the Quick reference as a whole teach the necessary elements of claim 1. Therefore, claim 1 is allowable over Quick. Claims 5-10 are dependent upon claim 1 and therefore, it follows, are allowable as being dependent upon an allowable base claim. Accordingly, it is respectfully requested that all rejections be removed and that claims 1 and 5-10 be allowed.

Respectfully,



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